

DEBORAH M. SMITH
Acting United States Attorney

SUSAN J. LINDQUIST
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-2344
susan.lindquist@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

GARY ROBERTS,)	Case No. 3-05-cv-274 CV (JKS)
)	
Plaintiff,)	
)	ANSWER TO AMENDED
vs.)	COMPLAINT
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
)	

The United States, through counsel, answers the Amended Complaint according to each numbered paragraph as follows:

1. Defendant is without sufficient knowledge and information to respond, and denies the allegation on that ground.

2. Admit.
3. Jurisdiction and venue are legal allegations and no response is required.
4. Defendant admits that he collided with the vehicle driven by the Plaintiff. As to the remaining allegation that the Plaintiff sustained injuries as a result of the collision, Defendant is without sufficient knowledge and information to respond and denies the allegation on that ground.
5. Deny.
6. Deny.
7. Admit.
8. Admit.
9. Defendant admits that the United States is the proper Defendant. Defendant denies all remaining allegations.
10. Deny.

DEFENSES

1. Defendant is excused from any claim for failure to obey traffic laws because he was officially responding to an emergency.

2. Plaintiff may have failed to mitigate his damages.
3. Plaintiff may have failed to obey traffic laws, specifically, but not limited to the Alaska Administrative Code.
4. Plaintiff was comparatively negligent.

RESPECTFULLY SUBMITTED this 27th day of January, 2006, in
Anchorage, Alaska.

DEBORAH M. SMITH
Acting United States Attorney

s/ Susan J. Lindquist
222 West 7th Ave., #9, Rm. 253
Anchorage, AK 99513-7567
Phone: (907) 271-3378
Fax: (907) 271-2344
E-mail: susan.lindquist@usdoj.gov
AK #9008053

I hereby certify that on January 27, 2006,
a copy of the foregoing ANSWER TO
COMPLAINT was served electronically
on Leonard T. Kelley.

s/ Susan J. Lindquist